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15 Attorneys for Plaintiffs Jose Barriga,  
16 Jesus Torres Uribe, and Joel Mendoza

17 UNITED STATES DISTRICT COURT  
18  
19 FOR THE  
20  
21 NORTHERN DISTRICT OF CALIFORNIA

22 JOSE BARRIGA, JESUS TORRES URIBE,  
23 AND JOEL MENDOZA

24 Plaintiffs,

25 vs.

26 PREFERRED PLUMBING, INC.; JAMES  
27 LUIS RUIZ; EMILIO RUIZ; AND  
28 FEDERICO RUIZ

29 Defendants

Case No.: CV 08 1700 BZ

**DECLARATION OF TOMAS E.  
MARGAIN REQUESTING  
TELEPHONIC APPEARANCE**

**Date: July 29, 2009**

**Time: 10:00 a.m.**

**Dept: Courtroom G 15<sup>th</sup> Floor**

**Judge: Hon. Bernard Zimmerman,  
Magistrate Judge**

1 I, Tomas E. Margain, hereby declare and affirm as follows:

2  
3 1. I am requesting the ability for my office to Appear Telephonically at the hearing held on  
4 July 29, 2009 at 10:00 a.m..

5 2. I am having my law partner James Dal Bon appear at the hearing as I will be in transit on  
6 a flight that leaves SFO at 9:00 a.m. for a pre-paid flight for my first vacation of the year. I had  
7 thought my flight left after work hours and only realized this on July 26, 2009.

8 3. Appearing telephonically will allow Mr. Dal Bon, who lives and practices in San Jose, to  
9 not reschedule his morning calendar.

10 4. Based on the opposition papers filed, it does not appear that this will be an overly  
11 contested hearing as Defendants are contesting their ability to pay and not the agreement entered  
12 into.

13 5. Mr. Dal Bon is fully prepared to appear in person and we are not seeking any sort of  
14 continuance.

15  
16 I declare under penalty of perjury under the laws of the United States that the foregoing is  
17 true and correct to the best of my knowledge.

18 DATE: July 26, 2009

19 Mr. Margain is excused. Someone for plaintiffs should appear in person.

20 Dated: July 27, 2009.

21  
22 

23 //s// Tomas Margain  
24 Tomas Margain  
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